REMARKS/ARGUMENTS

Claim 55 has been amended by incorporating subject matter from claim 55 (oil) and claim 94 (polymer) into it.

Claims 89-94 and 99-106 have been canceled.

New claim 151 requiring "m" to be from 15 to 100 (that is, degree of polymerization of from 15 to 100) has been added, support for which exists throughout the present application, including example 2.

Remaining claims have been amended as necessary to conform to claim 55 as amended.

Claims 55-88, and 95-151 are pending in the application, although claims 58, 61-63, 67, 74-86, 96, 110 and 122-150 have been withdrawn from consideration. Applicant currently intends to seek rejoinder of the withdrawn claims as appropriate pursuant to MPEP § 821.04 upon indication of allowable subject matter.

The Office Action rejected the pending claims under 35 U.S.C. § 103 as obvious over PCT patent application publication no. 01/97758 ("Murphy") in view of U.S. patent application publication no. 2002/0034480 ("Grimm"), U.S. patent 6,051,216 ("Barr"), and U.S. patent 6,415,295 ("Cai"). In view of the following comments, Applicant respectfully requests reconsideration and withdrawal of these rejections.

The present invention relates to transparent (or translucent), anhydrous compositions containing a specified polysilicone/polyamide type copolymer (for example, nylon 611/dimethicone). Applicants have discovered that such anhydrous, transparent (or translucent) compositions can be produced using the required ester oil. The applied art neither teaches nor suggests producing such anhydrous compositions using the required oils and copolymers, or that the type of oil used in combination with the required polymer is result effective – that is, the applied art neither teaches nor suggests that the type of oil used

will have an effect on whether an anhydrous composition containing the required polymer is transparent or translucent. To the contrary, the applied art teaches that oils are by and large interchangeable, with no particular advantage existing for using one identified solvent as opposed to another identified solvent.

Murphy and Grimm do not relate to the claimed polymers. Thus, neither of these references teaches nor suggests transparent or translucent compositions containing the required polymers.

Barr and Cai relate to the claimed polymers, but they do not teach or suggest how to prepare a transparent or translucent anhydrous composition containing such polymers, or that the type of oil used is result effective – that is, Barr and Cai do not teach or suggest that using the required oils in their compositions would lead to a transparent or translucent anhydrous composition. One of ordinary skill in the art, seeking to produce a transparent or translucent anhydrous composition containing the required polymers, would not be led to the claimed invention by the applied references because such references are silent concerning such subject matter.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

The Office Action also rejected the pending claims under the judicially created doctrine of double patenting over several applications. Similar to the discussion above, the claims in the applied applications in these rejections neither teach nor suggest a transparent or translucent anhydrous composition containing the required polymers, or that the type of oil used in the compositions is result effective – that is, the claims in the applied applications do not teach or suggest that using the required oils would lead to a transparent or translucent anhydrous composition.

Accordingly, and for the same reasons that the obviousness rejection is improper, Applicants respectfully request reconsideration and withdrawal of the pending obviousness-type double patenting rejections.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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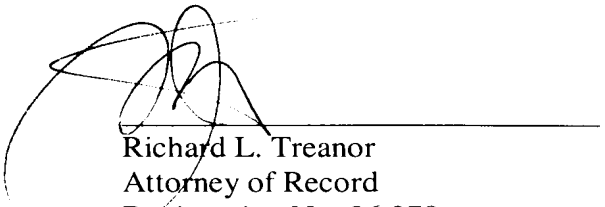

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